

**IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI**

**WILLIAM P GEELHART
208 HOGAN
NEVADA IA 50201**

**ACTION FINANCIAL SERVICES COMPANY
2400 NW 86TH ST #17
DES MOINES IA 50322-4306**

**Appeal Number: 04A-UI-08483-CT
OC: 04/25/04 R: 02
Claimant: Appellant (1)**

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.3(5) – Duration of Benefits/Business Closing

STATEMENT OF THE CASE:

William Geelhart filed an appeal from a representative's decision dated August 6, 2004, reference 01, which held he had not been laid off due to a business closing. After due notice was issued, a hearing was held by telephone on August 31, 2004. The employer participated by Richard Hanson, Owner. Mr. Geelhart did not respond to the notice of hearing.

FINDINGS OF FACT:

Having heard the testimony of the witness and having reviewed all the evidence in the record, the administrative law judge finds: Mr. Geelhart was employed by Action Financial Services

Company from April 25, 2002 until April 9, 2004. He worked full time as manager of Registry Park, a mobile home community operated by the employer. His primary duties were performed in the community but he sometimes assisted in selling mobile homes repossessed by Action Financial Services. The community was sold on or about April 9, 2004. The new owners continued to operate the mobile home community after the sale.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Mr. Geelhart was unemployed as a result of his employer going out of business at the location where he was last employed. He worked primarily at Registry Park until it was sold on April 9, 2004. An employer is not considered to have gone out of business if the business was sold and the new owners continue to operate the business. See 871 IAC 24.29(2). Inasmuch as the new owners continued to operate the mobile home community after the sale, it must be concluded that Mr. Geelhart was not unemployed due to a business closing. Therefore, his claim will not be re-determined.

DECISION:

The representative's decision dated August 6, 2004, reference 01, is hereby affirmed. Mr. Geelhart was not unemployed due to a business closing as that term is defined by law.

cfc/kjf